

FILED

JAN 14 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

| | |
|--------------------------------------|-----------------------|
| IN THE MATTER OF THE SUSPENSION OR : | |
| REVOCATION OF THE LICENSE OF : | |
| ERIN K. O'CONNOR, RN : | ADMINISTRATIVE ACTION |
| License No. 26NR15037200 : | |
| TO PRACTICE NURSING IN THE STATE : | FINAL ORDER OF |
| OF NEW JERSEY : | DISCIPLINE |

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Erin K. O'Connor ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on December 13, 2012 by the Cherry Hill Township Police Department for violation of N.J.S.A. 2C:20-11, shoplifting, the Board sent a letter of inquiry requesting certain information and submission of documents to Respondent's address of record in Mullica Hill, New Jersey, via regular and certified mail on or about December 18, 2012. The regular

mailing was not returned; the certified mailing was returned to the Board as "unclaimed."

3. The Board received a second flagging notice on May 9, 2013 advising that Respondent was arrested on December 14, 2012 by the Deptford Township Police Department for violation of N.J.S.A. 2C:20-4(a), Theft by Deception, convicted of such charge on May 5, 2013, and assessed \$358.00.

4. Respondent did not reply to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a two hundred dollar (\$200) civil penalty and suspending Respondent's license was entered on May 13, 2013. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day

following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline by providing all the information requested in the letter of inquiry. Respondent maintained that she failed to initially reply to the Board's letter of inquiry because she was suffering from a drug addiction at that time. She professed to be in recovery at the time she replied to the Provisional Order.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline,

and review of Respondent's subsequent reply several months later, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 14th day of Jan., 2014,

ORDERED that:

1. A civil penalty in the amount of two hundred dollars (\$200) is hereby imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the filed date of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APRN, FAAN
Patricia Murphy, PhD, APN
President